

Remarks

Reconsideration of this Application is respectfully requested. Claims 1, 2, 5-9 and 12-17 are pending in the application, with claims 1, 8, 9, 15, and 17 being the independent claims. Claims 1, 5-6, 8-9, 12, and 16 are sought to be amended for clarity. The Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. As no new matter has been entered, the Examiner is respectfully requested to enter these amendments.

Based on the amendments and remarks, the Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn. The Applicants further request that all pending claims be passed to allowance.

Rejections under 35 U.S.C. § 103

In the Final Office Action, claims 1-2, 5, 8-9, and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0136325 to Pehlke *et al* (herein "Pehlke") in view of U.S. Patent No. 6,700,440 to Hareyama (herein "Hareyama") and further in view of U.S. Patent No. 6,968,201 to Gandhi *et al* (herein "Gandhi"). Claims 15-17 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pehlke in view of Hareyama. The Applicants traverse these rejections and respectfully request these rejections be withdrawn and these claims be passed to allowance. The Applicants remind the Examiner that the claims are given their broadest reasonable meaning in view of the specification, and any paraphrasing of claim features is not to be interpreted as reading any features into, or characterizing, any claim.

Claims 1, 8-9, 15, and 17 recite features that distinguish over the applied references. For example, claim 1 recites "powering on or off at least one branch of the power amplifier according to the received instruction *to enable a logarithmic change in the output power of the power amplifier.*" (Emphasis added). Further, claim 8 recites "means for powering on or off at least one branch of the power amplifier according to the received instruction *to enable a logarithmic change in output power.*" (Emphasis added). As an additional example, claim 9 recites "a determining engine, communicatively coupled to the receiving engine, capable of determining how many branches of a power amplifier to power on or off according to the received instruction *to enable a logarithmic change in output power.*" (Emphasis added). Claims 15 and 17, for example, state "wherein the transistors are arranged in a logarithmic scale, thereby *enabling a logarithmic change in output power* with the powering on or off of a transistor." (Emphasis added).

The Examiner fails to establish a *prima facie* case of obviousness for claims 1-2, 5, 8-9, 12, and 15-17 at least because Pehlke, Hareyama, nor Gandhi, either alone or in the allegedly obvious combination, do not teach, suggest, or disclose the aforementioned distinguishing features. On pages 4 and 7, the Office Action admits that Pehlke does not describe the distinguishing features of the Applicants' claims and then attempts to use Hareyama to cure this deficiency. However, Hareyama does not describe an amplifier having the aforementioned distinguishing features. Instead, Hareyama describes, in Figure 4, an amplifier having an output that is *not linearly variable on a logarithmic scale* for changes in Hareyama's control voltages (CONT(1) and CONT(2)). Thus, Hareyama does not describe an amplifier providing a logarithmic change in output power

when branches are enabled or disabled. Hareyama does not cure Pehlke's deficiencies. Gandhi does not cure the deficiencies mentioned above for Pehlke and Hareyama, nor does the Office Action suggest this. The cited references cannot be used to establish a *prima facie* case of obviousness for independent claims 1, 8-9, 15, and 17.

Accordingly, claims 2, 5, 12, and 16 are allowable for at least being dependent from a non-obvious independent claim, in addition to their own respective features. *See, In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988), and M.P.E.P. § 2143.03. Thus, a *prima facie* case of obviousness has not been established for claims 1-2, 5, 8-9, 12, and 15-17. The Applicants respectfully request this rejection be withdrawn and that claims 1-2, 5, 8-9, 12, and 15-17 be passed to allowance.

In the Final Office Action, claims 6-7 and 13-14 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pehlke in view of Hareyama and Gandhi, and further in view of U.S. Patent No. 6,255,906 to Eidson *et al* (herein "Eidson").

Dependent claims 6-7 and 13-14 respectively depend upon independent claims 1 and 9. Eidson does not cure the deficiencies mentioned herein for Pehlke in view of Hareyama and Gandhi, nor does the Office Action suggest this. Accordingly, claims 6-7 and 13-14 are allowable for at least being dependent from a non-obvious independent claim, in addition to their own respective features. *See, In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988), and M.P.E.P. § 2143.03. Thus, a *prima facie* case of obviousness has not been established. The Applicants respectfully request this rejection be withdrawn and that claims 6-7 and 13-14 be passed to allowance.

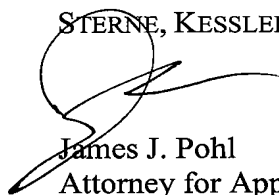
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. The Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this submission is respectfully requested.

Respectfully submitted,

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Date: 3/2/09

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